



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,236	03/29/2004	Jae-Byeong Han	678-1372 (P11267)	2193
28249	7590	04/21/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553		PORTIS, SHANTELL L		
		ART UNIT		PAPER NUMBER
		2617		

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,236	HAN, JAE-BYEONG	
Examiner	Art Unit		
Shantell Portis	2681		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 March 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al (Igarashi), U.S. Publication No. 2001/0053694 in view of Brandenberg et al (Brandenberg), U.S. Patent No. 6,834,195.

Regarding Claims 1 and 4, Igarashi discloses a method for differentially implementing functions of the mobile communication terminal according to a class of a user, comprising the steps of: setting at least one condition for selecting at least one function in order to differentially implement the at least one function according to the class of the user [0072] and informing the user of a change in the at least one function available to the user after a change of the user's class (the authorization controller informs the user, [0247]).

Igarashi fails to disclose activating a menu for selecting the at least one function available to the user when the at least one preset condition is met and applying the change in the at least one function available to the user to the mobile communication terminal. However, according to Igarashi in paragraphs [0065, 0066 and 0069] it is obvious that if a user has met a preset condition based on their service profiles that certain menu options will be available and applied for the particular service and as their profiles change due to the triggering of events so will the menu options. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to activate and apply the menu options available to the user based on their class or service.

Igarashi further fails to disclose a method and apparatus wherein the steps are performed by the mobile terminal. However, in the same field of endeavor, Brandenberg discloses a method and apparatus for scheduling presentation of digital content on a personal communication device. Brandenburg further discloses a method and apparatus wherein the mobile terminal determines whether a service is provided to an individual user according to their class (the software scheduling agent resides on a client device to provide digital content that would most likely be relevant or interesting to the user based on their contextual profiles; Col. 2, line 61-Col. 3, line 25 and Col. 26, lines 12-17). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to have the mobile terminal make the decisions, for this would lessen the burden on the network.

Regarding Claim 7, Igarashi discloses a mobile communication terminal for differentially implementing at least one function according to a class of a user, comprising: a memory (service control database) for storing at least one preset condition for selecting the at least one function in order to differentially implement the at least one function according to the class of the user [0092]; and a control section (authorization controller) for activating the at least one function available to the user when the at least one condition stored in the memory is met [0181 and 0182].

Igarashi further fails to disclose a method and apparatus wherein the steps are performed by the mobile terminal. However, in the same field of endeavor, Brandenberg discloses a method and apparatus for scheduling presentation of digital content on a personal communication device. Brandenburg further discloses a method and apparatus wherein the mobile terminal determines whether a service is provided to an individual user according to their class (the software scheduling agent resides on a client device to provide digital content that would most likely be relevant or interesting to the user based on their contextual profiles; Col. 2, line 61-Col. 3, line 25 and Col. 26, lines 12-17). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to have the mobile terminal make the decisions, for this would lessen the burden on the network.

Regarding Claim 9, Igarashi discloses the mobile communication terminal according to claim 7, wherein said control section detects a change in the class of the user and, if there is a change in the at least one function available to the user due to the

change in the user's class, informs the user of the change in the at least one function and applies the change to the mobile communication terminal [0244-0248].

2. Claims 2, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Brandenberg.

Regarding Claim 2, the combination of Igarashi and Brandenberg discloses the method according to claim 1 as mentioned above. The combination fails to disclose wherein the step of informing the user comprises receiving a text message indicating the change in the class of the user from a mobile service provider. However, Igarashi does mention the authorization controller notifying the user by means of a response message [0247]. As well known in the art, messages can be sent in various different forms (voice or text). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art as a courteous to inform the user by means of voice or text messaging to indicate any change in service.

Regarding Claim 10, the combination of Igarashi and Brandenberg discloses the mobile communication terminal according to claim 9 as mentioned above. The combination fails to disclose wherein said control section receives a text message indicating the change in the class of the user from a mobile service provider and detects the change in the class of the user. However, Igarashi does mention the accounting controller notifying the authorization controller when the user has exceeded their allotted service usage amount [0354 and 0355]. As well known in the art, notifying means can be in the form of voice or text. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify the control section within a

mobile service network to allow for the necessary service changes to be applied due to the user's change in class.

Regarding Claim 12, the combination of Igarashi and Brandenberg discloses the mobile communication terminal according to claim 9 as mentioned above. The combination fails to disclose wherein said control section activates a menu for selecting the at least one function that becomes available due to the change in the class of the user. However, Igarashi does mention the control section (authorization controller) making a determination whether the services should be authorized based on the user's service control data [0244-0247]. It is obvious that if the services are authorized this will include activating the menu options associated with the services authorized. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to have these menu options readily available to the user due to their change in class.

2. Claims 3, 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Brandenberg in view of Wilkinson, U.S. Patent No. 6,907,225.

Regarding Claim 3, the combination of Igarashi and Brandenberg discloses the method according to claim 2 as described above.

However, the combination fails to disclose wherein said text message includes a service code corresponding to the at least one function that changes due to the change in the class of the user.

In a similar field of endeavor, Wilkinson discloses a selective media capture via a communication device. Wilkinson further discloses wherein said text message (the server module sends a response inherently by means of voice or text to the capture module), includes a service code (password) corresponding to the at least one function that changes due to the change in the class of the user (Col. 7, line 40-Col. 8, line 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a simple password to the user to allow access (by choice) to the services available to them.

Regarding Claim 5, the combination of Igarashi and Brandenberg discloses the method according to claim 4 as described above.

However, the combination fails to disclose wherein the step of applying the change in the at least one function comprises further comprises: requesting the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user; and receiving the service code input by the user in response to the request.

Wilkinson discloses wherein the step of applying the change in the at least one function comprises further comprises: requesting the user to input a service code (the server module sends a response to the capture model that a password is required, the user is then prompted) corresponding to the at least one function that becomes available due to the change in the class of the user; and receiving the service code input by the user in response to the request (Col. 7, line 65-Col. 8, line 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to request the user to input a code to access the available services. This allows the user to choose whether or not they want the service once it becomes available them.

Regarding Claims 11 and 13, the combination of Igarashi and Brandenberg discloses the mobile communication terminal according to claim 10 and 12 as described above.

However, the combination fails to disclose wherein said text message includes a service code corresponding to the at least one function and wherein said control section requests the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request.

Wilkinson discloses wherein said text message includes a service code corresponding to the at least one function (the capture module or control section receives a message, voice or text, from the server module requesting a password) and wherein said control section (capture module) requests the user to input a service code (password) corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request (Col. 7, line 65-Col. 8, line 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the control section to request and receive the password by means of different messaging techniques for a smooth and efficient process.

3. Claims 6, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Brandenberg in view of Vanttila et al (Vanttila), U.S. Patent No. 5,794,142.

Regarding Claims 6 and 14, the combination of Igarashi and Brandenberg discloses the method according to claim 1 and the mobile communication terminal according to claim 9 as described above.

However, the combination fails to disclose wherein the step of applying the change in the at least one function comprises deactivating of a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user and wherein said control section deactivates a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user.

In a similar field of endeavor, Vanttila discloses a mobile terminal having network services activation through the use of point-to-point short message service. Vanttila further discloses wherein the step of applying the change in the at least one function comprises deactivating of a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user and wherein said control section (network operator) deactivates a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user (Col. 7, lines 36-48).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide means for activating or deactivating menu options/features based on established criteria.

Regarding Claim 8, the combination of Igarashi and Brandenberg discloses the mobile communication terminal according to claim 7 as described above.

However, the combination fails to disclose wherein said memory stores information including at least one of a function identification (ID) representing a unique number assigned to the at least one function, a function name, a function type showing the at least one condition for selecting the at least one function, and a service code corresponding to the at least one function.

Vanttila discloses wherein said memory stores (24) information including at least one of a function identification (ID) (identification code) representing a unique number assigned to the at least one function, a function name (feature name), a function type (activation or deactivation, shown in table) showing the at least one condition for selecting the at least one function, and a service code (feature code) corresponding to the at least one function (Col. 5, Table and lines 51-61).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the claimed information for each service function to allow the user to distinguish between the different services and to make their available selections by using the service/feature codes.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Espejo et al., U.S. Patent No. 6,748,066 discloses a pre-paid wireless interactive voice response system with variable announcements.

Kennedy, III et al., U.S. Patent No. 6,535,743 discloses a system and method for providing directions using a communication network.

Lohtia et al., U.S. Patent No. 6,560,456 discloses a system and method for providing subscriber-initiated information over the short message service (sms) or a microbrowser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLP
SLP

Lester G. Kincaid
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER